



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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ORIGINAL

Martin O'Malley  
Governor

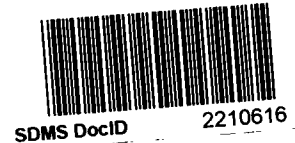
Shari T. Wilson  
Secretary

Anthony G. Brown  
Lieutenant Governor

February 10, 2009

Robert M. Summers, Ph.D.  
Deputy Secretary

David S. Meiskin, Managing Member  
Herron 393, LLC  
Pond Road Center  
4345 Route 9, Suite 28  
Freehold, New Jersey 07728



Re: Voluntary Cleanup Program Application  
Herron Areas 1- 3 Properties  
Elkton, Maryland 21921

Dear Mr. Meiskin:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has reviewed your letter, submitted via e-mail on December 22, 2008, proposing sampling of two soil stockpiles resulting from the grid scraping task completed in Herron Area 3. Also, you requested a meeting with the Department to discuss your current understanding of site condition and your conceptual Response Action Plan ("RAP").

The Department hereby approves the soil stockpile sampling, presented in your letter, on the following conditions: (1) the proposed soil samples will be analyzed in fixed laboratory for chemicals of concern summarized in the Department's comments on the VCP application dated August 8, 2006; (2) additional quality assurance and quality control samples will be collected according to Section 3.10 of the VCP Guidance document; and (4) a report will be submitted to the Department describing the sampling procedures and results. Please include in the report: a map and cross-section(s) showing the surveyed location of the soil stockpiles and each soil sample, and original laboratory analytical reports. Please note, that you must submit to the Department a detailed work plan for soil stockpile sampling if you choose a screening sample collection protocol to keep the analytical costs down, as described in Section 3.11 of the VCP Guidance document.

Prior to scheduling the requested meeting, please submit for the Department's review, a copy of the geophysical survey completed for areas outside of 55-acre site, and a work plan that documents how the Herron 393, LLC ("Herron 393") would: (1) engage an unexploded ordnance ("UXO") contractor to oversee the excavation of soils where anomalies were identified by the geophysical survey; (2) use a trommel to screen out the soils; (3) properly dispose of anomalies and/or soils offsite where appropriate (i.e., munitions and explosives of concern ("MEC"), or contaminated soils); and (4) bring in or reuse "clean fill" on areas where soils were excavated.

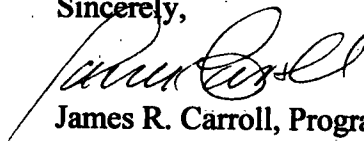
In light of the U.S. Environmental Protection Agency's experience conducting the Elkton Farm Firehole removal action between 2006 and 2009, the VCP anticipates that it will request its remedial



management services contractor Chesapeake GeoSciences, Inc. ("CGS") to submit a work plan for utilizing a UXO Safety Officer to review the work plan proposed by Herron 393 for the removal of soils potentially containing MEC. As discussed in previous documents, this expertise is beyond the technical capabilities of the VCP. Therefore, the VCP proposes that Herron 393 reimburse the VCP for the reasonable costs that have been agreed to in advance by all parties associated only addressing MEC-impacted soils.

If you have any questions regarding any aspects of the program, please contact Irena Rybak, the project manager, or me at 410-537-3493.

Sincerely,



James R. Carroll, Program Administrator  
Land Restoration Program

cc: James B. Witkin, Esq., Linowes and Blocher LLP  
Ms. Lorie Baker, EPA  
Mr. Horacio Tablada  
Mr. James R. Carroll  
Ms. Irena Rybak

